

Remarks

The above Amendments and these Remarks are in reply to the outstanding Office Action. Claims 1-43, 45 and 47-58 are currently pending. Claims 1, 3-4, 9, 11, 13-14, 19-21, 24, 26, 35, 37-38, 45, 47-52, 54 and 59 are amended. Certain claims have been amended to correct typographical errors and/or antecedent basis for certain claim language.

Claims 19-34 are allowed.

Claims 4, 45, 47-51 and 59 are objected to because of informalities. As suggested by the Examiner, claims 4, 45, 47 and 59 have been amended. Therefore, it is respectfully requested that the Examiner remove the objection to claims 4, 45, 47-51 and 59.

Claims 45 and 47-51 have been rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While the Applicant's attorney disagrees with the Examiner's rejection of claim 45 and 47-51 based on 35 U.S.C. §112, 2nd paragraph, claims 45 and 47-51 have been amended to remove references to "first." Therefore, it is respectfully requested that the Examiner remove the rejection of claims 45 and 47-51 based on 35 U.S.C. §112, 2nd paragraph and allow claims 45, 47-51 and 59.

Claims 1-18, 35-36, 38 and 40-43 are rejected under 35 U.S.C. §102(b) as being anticipated by newly cited U.S. Patent No. 6,008,680 ("*Kyles et al.*").

Claims 52-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,752,408 B1 ("*Cao et al.*") in view of *Kyles et al.*

I. Rejection of Claims 1-18, 35-36, 38 and 40-43 under 35 U.S.C. §102(b)

Claims 1-18, 35-36, 38 and 40-43 are rejected under 35 U.S.C. §102(b) as being anticipated by newly cited *Kyles et al.*

Claim 1 calls for "...the select circuit being responsive to a select signal to select from one of the first control signal and the second control signal to be output as the selected control signal..." which is not disclosed in *Kyles et al.*

In rejecting claim 1 and 11, the Examiner stated *Kyles et al.* discloses in Fig. 7 "a select circuit" as:

...the MUX 516, the MUX 518 and the shift register 730...receiving the SLOWER signal [as the first control signal] and a FASTER signal (as the second control signal) to select the SLOWER or the FAST and to output TUNE₀-TUNE_{N-1} signal (the selected control signal)...Office Action, page 3.

However, *Kyles et al.* states:

...a shift register 730 that fills with logical '0' value from the most significant bit (MSB) direction and a logical '1' from the least significant bit (LSB) direction. The FASTER and SLOWER signals output from the PHASE DETECTOR 520 are then coupled to the leftshift signal LEFT and rightshift signal RIGHT of the shift register 730 through MUXes 516 and 518 in order to control the value stored in the shift register [TUNE₀-TUNE_{N-1}]. Column 7, lines 48-56.

Thus, the select circuit described by the Examiner does not output “one of the” the FASTER signal and the SLOWER signal “as the selected control signal,” but rather the select circuit described by the Examiner outputs a TUNE₀-TUNE_{N-1} signal which is the value of shift register 730. (Emphasis added)

Claim 11 calls for “...selecting from one of the first control signal and a second control signal to be output to a phase adjust circuit as a selected control signal...” and is likewise at least patentable for the reasons stated above in regard to claim 1.

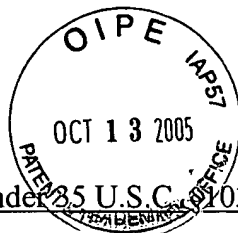
Claims 12-18 depend from claim 11 and therefore are patentable for at least the reasons stated above in regard to claim 11.

Claim 35 calls for “...the select circuit being responsive to a first mode value to select from one of the first control signal and the second control signal to be output as a selected control signal...” and is likewise at least patentable for the reasons stated above in regard to claim 1.

Claims 36, 38 and 40-43 depend from claim 35 and therefore are patentable for at least the reasons stated above in regard to claim 35.

It should be noted that here and throughout the REMARKS, no inference or conclusion should be drawn from the absence of comments pertaining to other limitations or elements, whether those limitations or elements are contained in independent or dependent claims.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 1-18, 35-36, 38 and 40-43 under 35 U.S.C. §102(b).



II. Rejection of Claims 52-58 under 35 U.S.C. §103(a)

Claims 52-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Cao et al.* in view of *Kyles et al.*

Claim 52 calls for "...the select circuit begin responsive to a select signal from one of the first control signal and a second control signal to be output as the selected control signal..." which is not disclosed or suggested by *Cao et al.* or *Kyles et al.* Therefore, claim 52 is patentable for at least the reasons stated above in regard to claim 1.

Claims 53-58 depend from claim 52 and therefore are patentable for at least the reasons stated above in regard to claim 52.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 52-58 under 35 U.S.C. §103(a).

III. Conclusion

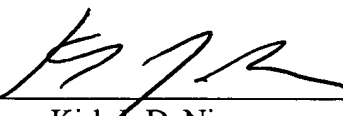
Based on the above amendments and these remarks, reconsideration of claims 1-43, 45 and 47-58 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 11, 2005

By: 
Kirk J. DeNiro
Reg. No. 35,854

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665